

1 ALAN R. SMITH, ESQ.  
Nevada Bar No. 1449  
2 Law Offices of Alan R. Smith  
505 Ridge Street  
3 Reno, Nevada 89501  
Telephone (775) 786-4579  
4 Facsimile (775) 786-3066  
*Email: mail@asmithlaw.com*

***ELECTRONICALLY FILED***  
***May 10, 2011***

5 Counsel for Debtor  
6  
7

8 UNITED STATES BANKRUPTCY COURT  
9 DISTRICT OF NEVADA  
10 LAS VEGAS DIVISION

11 —ooOoo—

12 In Re:

Case No. BK-11-13537-BAM

13 INTEGRATED FINANCIAL  
14 ASSOCIATES, INC., a Nevada  
Corporation

Chapter 11

15 Debtor.  
16

Adv. No.: \_\_\_\_\_

17 \_\_\_\_\_ /  
18 INTEGRATED FINANCIAL  
ASSOCIATES, INC., a Nevada  
Corporation,

19 Plaintiff,

20 vs.

**VERIFIED COMPLAINT FOR**  
**INJUNCTIVE RELIEF**

21 FEDERAL DEPOSIT INSURANCE  
22 CORPORATION AS RECEIVER FOR  
MARSHALL BANK, N.A., THE  
23 MARSHALL GROUP, INC.,  
MARSHALL FINANCIAL GROUP,  
24 LLC, MARSHALL BANKFIRST  
CORPORATION and MB-BONA, LLC,

25 Defendant.  
26

27 COMES NOW Plaintiff, INTEGRATED FINANCIAL ASSOCIATES, INC., a  
28 Nevada corporation (hereinafter "IFA"), by and through its counsel, Alan R. Smith, Esq., of

1 the Law Offices of Alan R. Smith, and for its complaint against Defendant, FEDERAL  
2 DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR MARSHALL BANK,  
3 N.A., THE MARSHALL GROUP, INC., MARSHALL FINANCIAL GROUP, LLC,  
4 MARSHALL BANKFIRST CORPORATION and MB-BONA, LLC, avers as follows:

5 **PARTIES, JURISDICTION AND VENUE**

6 1. This case presents claims that are related to a proceeding that is pending under  
7 Title 11 U.S.C., and therefore, this Court has jurisdiction of this matter pursuant to the  
8 provisions of 28 U.S.C. §1334.

9 2. This adversary proceeding concerns seeking an injunction against FEDERAL  
10 DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR MARSHALL BANK,  
11 N.A., THE MARSHALL GROUP, INC., MARSHALL FINANCIAL GROUP, LLC,  
12 MARSHALL BANKFIRST CORPORATION and MB-BONA, LLC, from proceeding in an  
13 action entitled *Integrated Financial Associates, Inc. v. Marshall Bank, N.A., et al.*, Case No.  
14 RIC532644EDCV 10-00209-AG (Opx), further described herein.

15 3. This Court is the proper venue for this case under the provisions of 28 U.S.C.  
16 §1409(a).

17 4. Plaintiff, IFA, is a corporation organized and existing under the laws of the  
18 State of Nevada.

19 5. Defendant, FEDERAL DEPOSIT INSURANCE CORPORATION AS  
20 RECEIVER FOR MARSHALL BANK, N.A., is an entity that is organized and controlled  
21 by the United States federal government (hereinafter "FDIC").

22 6. Defendant THE MARSHALL GROUP, INC., is a corporation organized under  
23 the laws of Minnesota.

24 7. Defendant MARSHALL FINANCIAL GROUP, LLC, is a limited liability  
25 company organized under the laws of Delaware.

26 8. Defendant MARSHALL BANKFIRST CORPORATION is a Minnesota  
27 banking corporation.

28 9. Defendant MB-BONA, LLC is a limited liability company organized under the

1 laws of Minnesota.

2 10. The FDIC, MARSHALL BANK, N.A., THE MARSHALL GROUP, INC.,  
3 MARSHALL FINANCIAL GROUP, LLC, MARSHALL BANKFIRST CORPORATION  
4 and MB-BONA, LLC, are collectively hereinafter referred to as the "Marshall Entities."

5 **GENERAL ALLEGATIONS**

6 11. IFA is a Plaintiff in an action entitled *Integrated Financial Associates, Inc. v.*  
7 *Marshall Bank, N.A., et al.*, Case No. RIC532644EDCV 10-00209-AG (Opx), (the "Federal  
8 Court Case"). The matter is pending in United States District Court, Central District of  
9 California, (Eastern Division - Riverside).

10 12. IFA was previously represented by Robert K. Sall, Esq., of The Sall Law Firm  
11 in connection with the Federal Court Case.

12 13. On April 11, 2011, the Court granted Robert K. Sall, Esq.'s motion to  
13 withdraw as counsel for IFA. IFA currently has no counsel in the Federal Court Case.

14 14. On March 14, 2011, IFA filed its Chapter 11 petition commencing the above-  
15 captioned case.

16 15. Depositions in the Federal Court Case have been scheduled by the Marshall  
17 Entities for April 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, May 2<sup>nd</sup> and 3<sup>rd</sup>, hereinafter collectively referred  
18 to as "Discovery." The depositions are of persons who are beneficiaries on various loans  
19 where IFA is either a participant or loan source or both.

20 16. IFA is the plaintiff in several other state court actions, and is determining the  
21 manner in which it will proceed in the various state court actions. In the subject Federal  
22 Court Case, IFA currently has no counsel, and is deciding whether to proceed with the  
23 action.

24 17. IFA has been advised that Marshall Entities is contemplating a counterclaim  
25 against IFA and is concerned that the Discovery intended to be conducted by Marshall  
26 Entities is in furtherance of a potential counterclaim against IFA. IFA has advised Marshall  
27 Entities that it believes that the Discovery to be conducted in furtherance of a potential  
28 counterclaim against IFA is barred by the automatic stay. 11 U.S.C. §362. Marshall Entities

1 denies that the Discovery is in furtherance of a potential counterclaim against IFA.

2 18. IFA has attempted to reach a consensual agreement with Marshall Entities for  
3 a stay of further proceedings in the matter until IFA can decide whether or not it wishes to  
4 proceed with the Federal Court Case. If IFA decides to continue the Federal Court Case,  
5 IFA needs time to seek new counsel and employ new counsel in this bankruptcy case. The  
6 parties have been unable to reach a consensual agreement to stay the Federal Court Case and  
7 Marshall Entities has indicated that it intends to proceed with the Discovery. If the  
8 deponents do not appear at the deposition, it is likely that Marshall Entities will file a motion  
9 to compel in the Federal Court Case, may reschedule depositions, and may seek sanctions.

10 **FIRST CLAIM FOR RELIEF**

11 **(Violation of the Automatic Stay)**

12 19. IFA hereby repeats and reavers paragraphs 1 through 18 above, and  
13 incorporates the same as though set forth in their entirety.

14 20. The actions of Marshall Entities are in violation of the automatic stay in that  
15 Marshall Entities is gathering information to assert a counterclaim against IFA, and has taken  
16 advantage of the fact that IFA does not yet have counsel in the Federal Court Case.

17 21. Marshall Entities has been advised of the bankruptcy case and the effect of the  
18 automatic stay, but nevertheless has indicated it will continue to pursue the Discovery,  
19 specifically including the above-referenced depositions.

20 WHEREFORE, IFA prays for relief as hereinafter set forth.

21 **SECOND CLAIM FOR RELIEF**

22 **(Injunction)**

23 22. IFA hereby repeats and reavers paragraphs 1 through 21 above, and  
24 incorporates the same as though set forth in their entirety.

25 23. In the event Marshall Entities continues with the Discovery, IFA is informed  
26 and believes that the Discovery will be in furtherance of claim that Marshall Entities intends  
27 to assert against IFA. In the event Discovery continues, IFA will be irreparably harmed  
28 because it currently has no counsel representing it in connection with the proposed

1 depositions.

2       24. Even if the Discovery is not in violation of the automatic stay, IFA seeks  
3 injunctive relief pursuant to Section 105 of the Bankruptcy Code to give it time to evaluate  
4 the Federal Court Case, and determine whether to pursue it. If IFA elects to proceed, it can  
5 then employ counsel, seek employment of counsel in the bankruptcy case, and the Discovery  
6 process can proceed accordingly. If IFA elects not to proceed, then there is no need for the  
7 proposed Discovery contemplated by Marshall Entities.

8       WHEREFORE, IFA prays for relief as follows:

- 9       (1) With respect to the First Claim For Relief, for an order that the proposed  
10 Discovery be stayed as in violation of the automatic stay of 11 U.S.C. §362.  
11       (2) With respect to the Second Claim For Relief, an order enjoining Marshall  
12 Entities from proceeding with further discovery until this matter can be  
13 brought before the Bankruptcy Court.  
14       (3) For such other and further relief as the Court shall deem just and proper.

15       DATED this 5<sup>th</sup> day of May, 2011.

16                                   LAW OFFICES OF ALAN R. SMITH

17                                   /s/ Alan R. Smith

18       By: \_\_\_\_\_  
19                                   ALAN R. SMITH, ESQ.  
20                                   Attorney for Debtor/Plaintiff

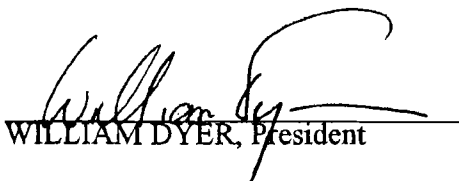
**VERIFICATION**

STATE OF NEVADA     )  
                                  ss.  
COUNTY OF CLARK    )

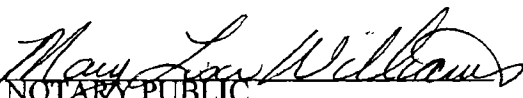
The undersigned hereby certifies under penalty of perjury that:

That I, William Dyer, am the President of INTEGRATED FINANCIAL ASSOCIATES, INC., Nevada corporation, which is the Plaintiff/Debtor in the foregoing adversary proceeding, and is authorized to make this verification on behalf of the Plaintiff/Debtor; that he has personal knowledge of the facts contained in the Verified Complaint and is competent to testify in a court of law as to those facts; that he has read the foregoing complaint and knows the contents thereof, that the same is true to the best of his knowledge, except as to those matters stated upon information and belief, and as to those matters, he believes them to be true.

DATED this 5<sup>th</sup> day of May, 2011.

  
WILLIAM DYER, President

SUBSCRIBED and SWORN to before  
me this 5<sup>th</sup> day of May, 2011.

  
NOTARY PUBLIC

